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March 17, 2008

**RECEIVED**

**MAR 19 2008**

**CITY ATTORNEY**

Mr. John Choi, City Attorney  
City of Saint Paul  
400 City Hall  
15 Kellogg Blvd  
Saint Paul, MN 55102

RE: Performance Audit Implementation

Dear Mr. Choi:

Thank you for forwarding a draft of your report on implementing the recommendations contained in the review and performance audit that was recently conducted by the Hall Legal Team. Our team has reviewed the draft, and, overall, we believe your implementation plan is consistent with our findings and recommendations. We are encouraged by the process reflected in your report for involving the community in connection with these efforts.

Our team was impressed by the attention and response of Mayor Coleman and President Lantry upon receiving our report. We believe that it is significant that the Mayor appointed you to promptly review the report and propose a plan for implementation. The fact that there appears to be a consensus among community representatives for many of your recommendations for implementation is certainly positive and constructive as a basis for moving forward.

Pardon the cliché, but we know that it is all too often that well-meaning reports are consigned to "sit on a shelf and collect dust." In this instance, we are interpreting the actions and responses of the City of Saint Paul to our report to indicate otherwise with respect to these recommendations.

1. We believe it was important that HRA took action to clarify that Chapters 84 and 183 are applicable to it, as we found that the lack of clarity and uncertainty that existed contributed greatly to problems with implementation.

2. In our audit report, we strongly suggest that the goal of achieving the policy objectives of Chapters 84 and 183 would be greatly enhanced by establishing clear responsibility for monitoring, reporting, accountability and communication functions. It was, perhaps, one of the most serious problems that we identified. We suggested creation of an "oversight function" with duties and responsibilities for implementation. You have proposed creation of a new single department, through merger, to be known as the "Department of Human Rights and Equal Opportunity," with an appointed director, which accomplishes the goal that we envisioned. Under the current structure, the disjointed nature of implementation results in a failure to fully benefit from effective use of Chapters 183 and 84 as tools to accomplish compliance. We believe that the structuring of the new



department to include the four primary functions identified (civil rights enforcement and outreach, capacity building, contract monitoring, investigation and enforcement and contract analysis and procurement) is logical and practical. It will also have the effect of streamlining administration, reducing redundancies and maximizing the benefits of limited and valuable staff and resources.

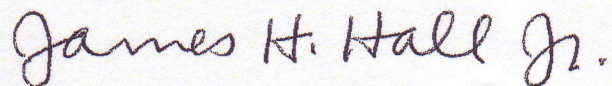
3. Another theme in our recommendations is the benefit of involving community, to the extent possible, in various aspects of the City's efforts. In order to increase the likelihood of engendering community support for the new department, its purpose and functions, we believe that it would be important to involve the community in the selection process for the department director, as suggested. An open and transparent process increases the likelihood of community "buy-in" and participation. It would appear from the description in your report that Councilman Melvin Carter possesses the types of qualities that would be desirable in leading this selection process, importantly, a strong commitment in this area and consensus-building ability. As your recommendations contemplate, this is not only important when the department is established but, we believe, continues to be beneficial going forward. This includes the idea of a diverse, functioning Human Rights Commission and comprehensive annual reports to be presented to the Commission and the public as part of an annual community meeting, which, again, is consistent with our recommendations.

4. Your recommendation number ten enumerates key steps necessary for accomplishing the implementation plan. It is important to identify the steps that need to be taken and establish time-lines in order to move the process forward. This recommendation sets forth the types of immediate steps that will be required to move forward. To create a new, merged department, it is obviously necessary to start drafting edits and enabling language. We were pleased to see that you have included references to Judge Gearin's November 5, 2007 Order and Judgment in Conover v. City of Saint Paul. It is also important that this recommendation involves a directive to all relevant departments and staff to start actions necessary to accomplish the implementation. Significantly, it includes directing further focus upon efforts relating to persons with disabilities. As with any process, naming an effective coordinator to lead this effort during the interim period until a department director is on board will be critical to keep the process on track.

5. Recommendation number six, which involves developing uniform contract and compliance language that provides for stronger enforcement, is completely consistent with another of our findings and recommendations. Liquidated damages and immediate enforcement provisions, where appropriate, will give teeth to the implementation effort.

While I have not mentioned each of your recommendations in this letter, we believe the others are useful and constructive as well and contribute to the policy goal of greater inclusion of women, minorities and persons with disabilities in the City's contracting efforts. As we have previously stated, if we may be of further assistance to you, the City of Saint Paul or the community in this matter, please do not hesitate to call upon us.

Very truly yours,



James H. Hall, Jr.

cc: Ms. Trudy Moloney